

REMARKS

Claims 1-3 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimura et al. (U.S. Patent No. 6,898,168) (hereinafter “Kimura”) in view of Honda et al. (U.S. Patent No. 7,075,880) (hereinafter “Honda”). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimura in view of Honda further considered with Tsuji et al. (U.S. Patent No. 5,461,500) (hereinafter “Tsuji”). These rejections are respectfully traversed for at least the following reasons.

Independent claims 1 and 5 stand rejected as being unpatentable over Kimura in view of Honda. This rejection is traversed as not meeting all of the features described in the claims. For example, Applicant respectfully submits that the  $\frac{1}{4}$  wavelength plate 71 of Kimura is a mere  $\frac{1}{4}$  wavelength plate that does not perform a distortion-correction function with regard to the combination of the  $\frac{1}{4}$  wavelength plate 71 and the moving negative lens 5. Therefore, Applicant respectfully submits that the Office Action’s assertion that the “stationary optical device” of the instant application’s independent claims 1 and 5 is met by the  $\frac{1}{4}$  wavelength plate 71 of Kimura is not technically accurate.

In addition, the collimator 113 of Honda is moved depending on whether reproduction of information is performed from a DVD-ROM or if information is to be recorded to a CD-R. The collimator 113 of Honda has a functionality of obtaining a sufficient amount of light in the case of performing the recording or reproduction of information associated with a CD-R. Applicant respectfully submits that the collimator 113 of Honda is not an optical element used for distortion correction. Accordingly, the Office Action’s assertion that Honda discloses a movable collimator used for distortion correction is not technically accurate to any extent. Honda does not disclose a “movable optical device” which works to correct distortion and which also

converts the second light beam to a parallel beam, as specifically described in independent claims 1 and 5 of the instant application.

Accordingly, Applicants respectfully submit that that independent claims 1 and 5 are patentable even assuming, strictly arguendo, that the Office Action's asserted combination of Kimura in view of Honda could be made.

Accordingly, Applicant respectfully asserts that the rejections under 35 U.S.C. § 103(a) should be withdrawn because none of the applied art of record, whether taken singly or combined, teach or suggest each feature of independent claims 1 and 5. MPEP § 2143.03 instructs that “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).” Furthermore, Applicant respectfully asserts that dependent claims 2-4 are allowable at least because of their dependence from claim 1, and the reasons set forth above.

Moreover, Applicant respectfully submits that the additionally applied reference to Tsuji with respect to claim 4, does not cure the deficiencies discussed above with regard to the primary references. In this regard, Applicant respectfully submits that the “polarization hologram” of claim 4 functions as a positive lens for the blue-laser beam BL. On the other hand, Tsuji's disclosed  $\frac{1}{4}$  wavelength plate 27 does not function as such a positive lens to any extent. As to this particular point, it appears that the Office Action does not properly contemplate the important difference between a positive-lens-function of the polarization hologram and the polarization-plane-conversion function of the  $\frac{1}{4}$  wavelength plate.

**CONCLUSION**

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request withdrawal of the outstanding rejections and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0573. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**



By:

Paul A. Fournier  
Registration No. 41,023

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**Customer No. 055694**  
**DRINKER, BIDDLE & REATH LLP**  
1500 K Street, N.W., Suite 1100  
Washington, D.C. 20005-1209  
Tel: (202) 842-8800  
Fax: (202) 842-8465